

REMARKS/ARGUMENTS

The Office Action mailed March 31, 2003 has been reviewed and carefully considered. Claims 1, 14, 20, 23, 26, and 40 have been amended. Claims 41-60 are added. Claims 1-12, 14-18, 20-36, and 39-60 are pending in this application, with claims 1, 14, 20, 23, 26, and 40 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed March 31, 2003, claims 1-5 and 14-16 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,192,340 (Abecassis) and the article "Musicmatch Jukebox software" (Musicmatch) in view of U.S. Patent No. 6,470,378 (Tracton).

Claims 6-12 and 17 stand rejected under 35 U.S.C. §103 as unpatentable over Abecassis, Musicmatch, and Tracton in further view of U.S. Patent No. 6,199,076 (Logan).

Claims 20-25, 36, and 40 stand rejected under 35 U.S.C. §103 as unpatentable over Logan in view of Abecassis, Musicmatch, and Tracton in further view of U.S. Patent No. 6,188,398 (Collins-Rector).

Claims 26-35 and 39 stand rejected under 35 U.S.C. §103 as unpatentable over Logan in view of Abecassis and Musicmatch, and further in view of Tracton.

The present invention relates to a device and method for generating a virtual radio or television broadcast. More specifically, the device is a mobile phone that is connectable to the Internet. While connected to the Internet, a user visits a Web site which includes data that can be incorporated into a broadcast. The user downloads selected content (audio or video) and other information such as introductions to music or traffic, news and weather reports while connected to the Web site (page 10, lines 3-18). After all the data is downloaded, the device organizes the data into a virtual broadcast using a selected algorithm (page 11, lines 14-16). Since the device

organizes the data into the virtual broadcast after all of the data is downloaded, the device can be disconnected from the Web site during this step. Accordingly, the step of organizing may be performed at a later time such as when a conventional radio station is unavailable (see page 14, lines 14-17).

Each of the independent claims 1, 14, 20, 23, 26, and 40 has been amended to clarify that the step of organizing the virtual broadcast is performed after all of the data is downloaded, whereby the device may be disconnected from the Website during the step of organizing.

It is respectfully submitted that none of the cited references disclose this limitation. Abecassis discloses a device and method for integration of music from a personal library with real-time information. According to Abecassis, a media player plays content from a user's personal library, which can be any form including a CD, DVD, or other recorded content. While the content is played, the device receives information from an information source and interleaves the information with the playback of the content. The interleaving disclosed by Abecassis is not the same as the step of organizing a virtual broadcast as recited in the independent claims. Abecassis discloses that the device plays content and receives information while playing the content (col. 22, lines 33-52). Accordingly, Abecassis fails to teach or suggest that all of the data is received before organizing a virtual broadcast. In contrast, Abecassis teaches that the broadcast is made "on-the-fly" during playback of the content as the information is received from the information source.

The musicmatch article merely discloses that a user can combine tracks from many different formats to create a playlist. However, this fails to teach or suggest organizing, by an algorithm, a virtual broadcast after receiving all data, as recited in the present invention.

Tracton also fails to teach or suggest what Abecassis and musicmatch lack. Tracton discloses dynamic content customization in a client server environment. More specifically, Tracton

related to scaling network content according to data-recipient characteristics and does not disclose details regarding organization of a virtual broadcast. Accordingly, Tracton fails to teach or suggest "organizing the data on the virtual broadcast device into a particular order for the virtual broadcast according to a selected algorithm provided on the virtual broadcast device after all of the data for the virtual broadcast is downloaded from the Web site, whereby the virtual broadcast device is disconnectable from the Web site during said step of organizing", as recited in each of the independent claims.

Logan also fails to disclose this limitation. Logan discloses an audio program player including a dynamic program selection controller. Logan discloses that a download compilation file is generated by a server and transmitted to a player 103 (see col. 6, lines 51-53). Accordingly, there is no teaching or suggestion for organizing a virtual broadcast, after downloading the data. Rather, Logan discloses that the server generates the compilation and that the player merely plays what is downloaded (see col. 8, lines 39-53). Although the user may alter the downloaded list, Logan fails to teach or suggest that the player organizes a virtual broadcast from downloaded data after the data has been fully downloaded, as recited in the independent claims.

Collins-Rector also fails to teach or suggest the above limitation. Collins-Rector discloses a method for enabling an interactive video experience using the Internet. According to Collins-Rector, demographically targeted advertisements are delivered at predetermined times while watching a video. Since it is an interactive video experience, Collins-Rector must be connected to the Internet while the content is played. Furthermore, there is no teaching or suggestion for organizing a virtual broadcast after the data is downloaded, as recited in the independent claims.

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1, 14, 20, 23, 26, and 40 are allowable over Abecassis, musicmatch, Tracton, Logan and Collins-Rector, taken by themselves and in combination.

Dependent claims 2-12, 15-18, 21-22, 23-25, 27-36, and 39-60, each being dependent on one of independent claims 1, 14, 20, 23, 26, and 40, are allowable for at least the same reasons as are independent claims 1, 14, 20, 23, 26, and 40.

Regarding dependent claim 11, this claim recites that ranking of a selected song by a user is uploaded to the Web site and that additional content is downloaded based on the user ranking. The Examiner states that this is disclosed in Logan at col. 9, lines 30-50. However, this portion of Logan refers to user preferences and does not refer to a user ranking of a selected content. Accordingly, it is respectfully submitted that independent claim 11 is allowable for this additional reason.

Claims 41-60 are added. Support for this claims in the specification is as follows:

claims 41-42 - page 4, lines 16-17;

claim 43 - page 4, lines 20-21;

claims 44-45 - page 9, lines 12-15;

claim 46 - page 9, line 19 to page 10, line 2;

claim 47 - page 10, lines 9-10;

claim 48 - page 11, lines 8-10;

claims 49-50 - page 12, lines 4-11;

claim 51 - page 12, lines 13-19;

claims 52-53 - page 5, lines 18-20;

claim 54 - page 5, lines 11-12;

claim 55 - page 15, lines 12-14

claims 56-57 - page 5, lines 18-20;

claim 58 - page 9, lines 3-8;

claim 59 - page 8, lines 9-10;

claim 60 - page 8, lines 18-20; and

claim 61 - page 8, lines 9-10 and 18-20.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

A check in the amount \$306.00 is enclosed in payment for the addition of 17 new claims in excess of 20.

Respectfully submitted,
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Dated: July 31, 2003